

REMARKS

Claims 35, 36 and 39-45 are pending in this application. By this Amendment, claims 36 and 39 are amended. Claim 36 is amended for clarity purposes only and not in view of the rejections. Reconsideration based on the above amendments and following remarks is respectfully requested.

Applicants appreciate the Office Action's indication that claim 35 is allowable.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments: (a) place the application in condition for allowance (for the reasons discussed herein); (b) do not raise any new issue requiring further search and/or consideration (since the amendments amplify issues previously discussed throughout prosecution); (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised in the final rejection. Entry of the amendments is thus respectfully requested.

I. Information Disclosure Statement

Information Disclosure Statements (IDSs) were filed on December 8, 2000, October 14, 2003, November 4, 2003 and April 13, 2004. The Examiner is requested to consider the references submitted and provide an initialed copy of each of the Forms PTO-1449 with the next Patent Office communication. For the Examiner's convenience, a copy of the PTO-1449 for each of the above-identified IDSs is attached hereto.

II. Obviousness-Type Double Patenting Rejection

The Office Action provisionally rejects claims 35, 36 and 39-45 under the judicially created doctrine of obviousness-type double patenting over claims 1-49 of co-pending

filed herewith. Applicants respectfully request that the obviousness-type double patenting rejection be withdrawn.

III. All Pending Claims Are Patentable

The Office Action rejects claims 36 and 39-45 under 35 U.S.C. §103(a) over U.S. Patent No. 5,895,692 to Shirasaki et al. (hereinafter "Shirasaki"). The rejection is respectfully traversed.

Regarding independent claim 36, Shirasaki fails to disclose or suggest an organic EL device including, *inter alia*, a plurality of pixel luminescent layers physically contacting each other, as set forth in independent claim 36.

The Office Action, in item 7 at pages 5 and 6, asserts that Shirasaki teaches this feature. Specifically, the Examiner asserts that "diffusion would allow the pixels to fan out and touch each other." The Examiner takes the position that "diffusion would not create as clearly defined lines as shown in the figures of [U.S. Patent No.] 5,895,692" and that "the pictures in Shirasaki et al. only show the bulk morphology of the diffusion process, it does not take into account the leading edge of the diffusion front."

Applicants respectfully disagree with the Examiner's characterization of Shirasaki and its application to claims 36 and 39.

Shirasaki, in both its illustrations and description of the device, clearly teaches neighboring luminescent layers being separated from each other. Shirasaki does not disclose or suggest that the three fluorescent pigments R, G, B, after diffusing into the hole transport layer 16 to become luminescent portions 13a-13c, spread out (or fan out) to physically contact each other. In fact, Shirasaki, at least in Fig. 8A (illustrating a top view of the EL device after the heat diffusion step of the process) and in Fig. 9A (illustrating a top view of the EL device after forming an electron transport layer 14 over the luminescent layer 13), shows that the three luminescent portions 13a-13c are formed as separate and distinct portions of the

luminescent layer 13. Shirasaki, at least at col. 9, lines 4-12, clearly discloses that "the luminescent layer 13 includes the red luminescent portion 13a, the green luminescent portion 13b and the blue luminescent portion 13c separated from one another..." (emphasis added).

Thus, Applicants respectfully submit that Shirasaki fails to disclose or suggest a plurality of pixel luminescent layers physically contacting each other, as set forth in independent claim 36.

Further, Applicants submit that Shirasaki does not teach or suggest an organic EL device comprising, inter alia, the formation of the at least one luminescent layer being performed by discharging a luminescent material composition from the nozzle toward the substrate and onto an underlying layer, the luminescent material composition serving as luminescence function and carrier transfer function in the formed at least one luminescent layer, as set forth in claim 36.

The Office Action, at page 5, item 8, admits that Shirasaki does not disclose, teach or suggest the method set forth in independent claim 35 which includes the feature reciting "the luminescent material composition serving as luminescence function and carrier transfer function in the formed at least one luminescent layer". Applicants respectfully submit that because Shirasaki fails to disclose a method of manufacture including the above feature, Shirasaki fails to teach or suggest an organic EL device having a luminescent layer that is formed using a luminescent material composition serving as luminescence function and carrier transfer function, as set forth in claim 36.

For at least these reasons, Applicants respectfully submit that independent claim 36 is patentable over Shirasaki. Withdrawal of the rejection of claim 36 under 35 U.S.C. §103(a) is respectfully requested.

Regarding independent claim 39, as discussed above, Shirasaki fails to disclose or suggest the first electrodes being formed so as to be separated from each other for each pixel,

the neighboring luminescent layers physically contacting each other between the neighboring first electrodes as set forth in claim 39. Support for these features is found at least in Fig. 1 and its associated disclosure.

Accordingly, Applicants respectfully submit that independent claim 39 is patentable over Shirasaki. Claims 40-45, which depend from claim 39, also are patentable over the applied art for at least the reasons discussed above. Withdrawal of the rejection of claims 39-45 under 35 U.S.C. §103(a) is respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 35, 36 and 39-45 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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Attachments:

Terminal Disclaimer

Copies of PTO-1449 filed with Information Disclosure Statements on December 8, 2000, October 14, 2003, November 4, 2003 and April 13, 2004

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